

REMARKS

Claims 1-8 are pending. Claims 1 and 5 have been amended.

All Claims Define Allowable Subject Matter

In the Office Action, at paragraph 2, Claims 1-8 were rejected under 35 U.S.C. § 102(b) as reciting subject matter allegedly anticipated by U.S. Patent No. 2,882,025, issued to Loo. Applicants respectfully request reconsideration of this rejection.

Amended independent Claim 1 is directed to a method of homogenization of pressurized liqueform emulsion, with the method comprising a novel combination of features including pressurizing a liquid to a pressure of approximately 10-25 MPa, causing the pressurized liquid to pass at least two concentrically placed homogenization gaps, thereby subjecting the liquid to a first part of the homogenization, wherein the liquid, when passing out from one of the homogenization gaps at high speed flow created by a rapid pressure drop from the approximately 10-25 MPa down to approximately 0 MPa and into a restricted space, meets the liquid from one or more of the other homogenization gaps, whereby the liquid is subjected to a second part of the homogenization in the restricted space as a result of turbulence created by the converging, high speed flows of liquid, wherein the at least two concentrically placed homogenization gaps are adjacent the restricted space. Applicants respectively submit that the second part of the homogenization is now clearly defined to result from turbulence created by the converging, high speed flows of liquid, wherein the high speed flows are created by a rapid pressure drop from the approximately 10-25 MPa down to approximately 0 MPa as the liquid passes through the two concentrically placed homogenization gaps.

In contrast to the novel combination of features now clearly set forth in amended independent Claim 1, U.S. Patent No. 2,882,025 ("Loo") specifically discloses a device utilizing the principles of cavitation wherein the pressure of the liquid is only required to be approximately 700 p.s.i., or approximately 4.8 MPa. As set forth at column 4, lines 35-39 of the Loo, the method disclosed in Loo is specifically distinguished from other homogenizing

methods by the fact that the homogenization is effected by a pressure equivalent to about 700 p.s.i., whereas prior homogenizing methods required the pressure of the milk to be between the range of 2,000 to 3,000 p.s.i. (13.7-20.6 Mpa). Accordingly, the homogenization method disclosed in Loo utilizing the principles of cavitation specifically excludes homogenization methods wherein a liquid is pressurized to a pressure of approximately 10-25 MPa, as defined in amended independent Claim 1. Accordingly, because the novel combination of features now claimed in amended independent Claim 1 is not identically disclosed in Loo, Applicants submit that amended independent Claim 1, and hence dependent Claims 2-4, are allowable over Loo.

Amended independent Claim 5 is similarly directed to a method of homogenization of a pressurized liqueform emulsion, wherein the method comprises a novel combination of features including the pressurization of a liquid to a pressure of approximately 10-25 MPa, passing the pressurized liquid through at least two concentrically placed homogenization gaps, thereby subjecting the liquid to a first part of the homogenization, and dispensing the liquid from the at least two concentrically placed homogenization gaps into a restricted space and at a high speed flow created by a rapid pressure drop from the approximately 10-25 MPa down to approximately 0 MPa, whereby the liquid is subjected to a second part of the homogenization in the restricted space as a result of turbulence created by the converging, high speed flows of liquid, wherein the at least two concentrically placed homogenization gaps are adjacent the restricted space.

As discussed above with regard to amended independent Claim 1, the homogenization method utilizing principles of cavitation, as disclosed in Loo, specifically excludes methods of homogenization wherein the pressure of the liquid is in the range between 2,000 and 3,000 p.s.i. (13.7-20.6 MPa), and therefore cannot achieve the high speed flows defined in amended independent Claim 5 as resulting from a rapid pressure drop from the approximately 10-25 MPa down to approximately 0 MPa, and cannot achieve the homogenization that results from turbulence created by the converging, high speed flows of liquid. Accordingly, Loo does not identically disclose the novel combination of features now set forth in amended independent

Claim 5. Amended independent Claim 5, and hence dependent Claims 6-8, are therefore now in condition for allowance.

Conclusion

For at least the foregoing reasons, Applicants respectfully submit that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Soohoo believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, the Examiner is invited to call Applicants' representative at the number below.

Respectfully submitted,

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